

## **REMARKS**

The Office Action dated October 16, 2007 has been received and reviewed by the applicant. Claims 1-20 are in the application. Claims 1-20 stand rejected. Claims 1, 6 and 18 have been amended. No new matter has been introduced in this amendment.

### **Claim Rejections - 35- U.S.C. § 112**

Claim 6 stands rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 6 has been amended in view of the Examiner's constructive comments and as amended is believed to be in condition to overcome the noted rejection.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 2, 11-14 and 16-19 are rejected under 35 USC 102(b) as being anticipated by Smith (PG PUB. 2003/0172072), hereinafter "Smith". Independent claim 1 has been amended to now recite in part:

***"wherein the computational element provides a dormancy feature for said plurality of items, the dormancy feature allowing one or more of the plurality of items that are being managed and associated with a parameter to be placed in a dormant state so that the one or more parameters corresponding to the one or more particular items that are dormant do not become a trigger point for the tracking device to generate an order for the dormant items".***

Support for this amendment can be found for example in page 16, lines 23 to page 17, line 5 of the specification. The cited Smith reference which is directed to a method and system for automatically ordering replacement of consumable parts fails to teach or suggest a computational element as now recited that includes a dormancy feature which allows replaceable parts that are being monitored to be placed in a dormant state so that the dormant parts do not become trigger points for orders being placed. As mentioned in the specification, placing an item such as an Operator Replaceable Component (ORC) in a dormant state would allow in one example for an operator to employ visual rather than automatic notification

that the life of the ORC has expired. A visual notification may typically be desirable when it is believed that system predictors do not provide sufficient accuracy and that physically looking at the ORC or the output of the device being monitored (e.g., a printer's output) to notice any problems is the best manner by which to determine problems occurring with the ORC.

Given that the cited Smith, Martin and Aoyama references taken individually or in combination fail to teach or suggest such a limitation it is believed that claim 1 is in condition for allowance. Independent claim 18 is also believed to be in condition for allowance since it has been amended in somewhat similar fashion as claim 1. Dependent claims 2, 11-14, 16, 17 and 19 are also believed to be in condition for allowance since they add further features to their respective base claims.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 3-6 and 7-8 stand rejected under 35 USC 103(a) as being unpatentable over Smith in view of Martin et al (US 5,809,479), hereinafter "Martin". While claims 9, 10, 15 and 20 stand rejected under 35 USC 103(a) as being unpatentable over Smith in view of Aoyama et al. (PG. PUB. 2004/0172341), hereinafter "Aoyama". Dependent claims 3-6, 7-8, 9, 10, 15 and 20 are also believed to be in condition for allowance in view of the comments made above regarding their corresponding base claims.

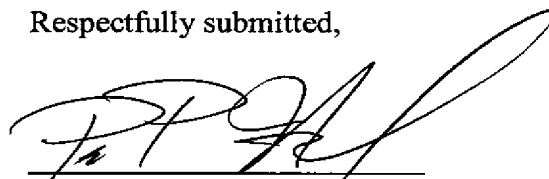
### CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance. Accordingly, reconsideration and favorable action are respectfully requested.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Hernandez', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.